AMENDMENTS TO THE DRAWINGS

The attached sheet of drawing includes changes to Fig. 3. This sheet, which includes Fig. 3, replaces the sheet including Fig. 3 submitted August 30, 2005. In Figure 3, the sequence identifiers are properly labeled.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendment are respectfully requested.

The Examiner's comments regarding the Information Disclosure Statement submitted August 30, 2005 are noted. Submitted herewith is a PTO/SB/08a Form correctly listing the last reference listed on the Form submitted August 30, 2005, together with a further copy of the referenced article. The Examiner is requested to initial and return the PTO/SB/08a Form.

An Abstract is submitted herewith which avoids the term "said". The Abstract is submitted merely to advance prosecution, not because correction is actually required.

The specification has been revised to make proper reference to the sequence identifiers. Likewise, Fig. 3 has been amended to properly recite sequence identifiers.

Withdrawal of the objections to the disclosure is requested in view of the above.

Claims 6 and 20 have been revised so as to be placed in independent form. With these revisions, claims 6, 7, 20 and 21 are understood to be allowable.

Claim 16 has been cancelled without prejudice and 17 has been placed in independent form.

Claims 16-19 stand rejected under 35 USC 102(b) as allegedly being anticipated by USP 6,127,142. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions and further in view of the comments that follow.

As pointed out above, claim 16 has been cancelled without prejudice and claim 17 has been placed in independent form.

The Examiner's attention is directed to the fact that not all aspartic proteases are able to clot milk. Even though an aspartic protease is able to clot milk, the aspartic protease is not

necessarily a chymosin enzyme. USP 6,117,142 relates to a method for deglycosylating an aspartic protease from *Rhizomucor miehei* (EC 3.4.23.23 Mucor rennin), which is not a chymosin (EC 3.4.23.4). Therefore, USP 6,117,142 does not anticipate claims 17-19.

Reconsideration is requested.

Claims 1-5, 8, 12-19 and 22 stand rejected under 35 USC 103 as allegedly being obvious over USP 5,800,849 in view of Kasturi et al and USP 6,127,142. Withdrawal of the rejection is in order for the reasons that follow.

Underlying the present invention was a desire to provide a method for more efficiently producing aspartic protease in a host organism. The cited art in no way would have suggested addressing that problem by modifying the polynucleotide sequence to encode an (extra) N-X-T glycosylation site in the aspartic protease amino acid sequence, and subsequently expressing the sequence.

On page 6 of the Action, third paragraph, the Examiner states that "[t]he ordinary skilled artisan, desiring to use a N-X-T glycosylation site in chymosin would have been motivated to combine the teachings of USP 5,800,849 ... and of USP 6,127, 142...". This statement is clearly based on improper hindsight reasoning. Nothing in the citations would have suggested their combination.

Reconsideration is requested.

Claims 9-11 and 23 stand rejected under 35 USC 103 as allegedly being obvious over USP 5,800,849, USP 6,127,142 and Korman et al. Withdrawal of the rejection is in order for the reasons that follow.

Claims 9-11 are dependent claims directed the production of the protease as a fusion protein, and 23 is directed to the use of Aspergillus host organisms.

Respectfully, the Examiner's position is not understood. On page 8 of the Action, second paragraph, the Examiner states: "The ordinary skilled artisan, desiring to have an aspartic protease comprising an alpha-amylase as a fusion partner.... would have been motivated to combine the teachings of US 5,800,849... Kasturi et al ... and of US 6,127,142, ... with the teachings Korman et al...". This comment like that quoted above, is based on hindsight. The present invention results from Applicants' desire to obtain the enzyme in higher yield! Nothing in the references would have provided the motivation necessary to arrive at the present invention.

Reconsideration is requested.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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Atty. Dkt.: 4560-4
ANNOTATED SHEET
SHOWING CHANGES

SEQ ID NO: 3
~~SEQ ID 1~~
cggtcgaccgctacggtgactgacacctggcgtgccgagatcactcgcatccccctctacaaggg aagtctctgcgtaaggctctca
aggagcacggtctgctcgaggatttcctgcagaagcagcagtacggcatcagctctagtacagcc gtttcggcgaggtggccagcg
tgcctctcactaactacctggacagccagtacttcggtaagatctaccttggcactccccctcaggag ttcaccgttctgttcgatactggt
tccagcgacttctgggttccctcatctactgtaagagcaacgcttgcaagaacaaccagcgcttcg tcctcgcaagtccagcacctte
cagaaccttggcaagccccttccatccactacggtactggcagcatgcag

SEQ ID NO: 4
~~SEQ ID XXX 2~~

gcagcatgcagggtatccttggctacgacaccgttaccgtgtccaacatcgtcgatattcagcagac cgtgggtctgagcacccagga
gcctggcgatgtcttcacttacgccgagttcgatggtatcctcggcatggcttacccctccctggcct tgagtactctatccctgtgttcg
acaacatgatgaaccgccacctcgtcgctcaggatctgttcagcgtgtacatg

SEQ ID NO: 5
~~SEQ ID XXX 3~~
gcgtgtacatggaccgtaacggtcaggagtccatgcttactctgggcgccatcgatccctcttacta accggttccctccactgggttc
ctgtgaccgtccagcagtactggcagttcaccgtggacagcgtcactatctccggcgtggttgtggc ttgcgagggtggctgtcaggcc
atccttgatactggtaccagc

SEQ ID NO: 6
~~SEQ ID XXX 4~~
ctggtaccagcaagctcgtcggccccctccagcgacatcctgaacatccagcaggctatcggtgcc tcccagaaccagtacggcgag
ttcgatatcgactgcgataacctttcttacatgcctactgtggttttcgagatcaacggtaagatgtacc ccttactccttctgcttacacttc
ccaggatcagggcttctgtacctctggtttccagtctgagaaccacagccagaagtggatccttggc atgtcttcatccgcgagtacta
ctccgtcttcgaccgtgccaacaacctggtgggtctcgctaaggccatctgatcctctagagt

SEQ ID NO: 7
~~SEQ ID XXX 5~~
ctggtaccagcaagctcgtcggccccctccagcgacatcctgaacatccagcaggctatcggtgcc tcccagaaccagtacggcgag
ttcgatatcgactgcgataacctttcttacatgcctactgtggttttcgagatcaacggtaagatgtacc ccttactccttctgcttacacttc
ccaggatcagggcttctgtacctctggtttccagtctgagaaccacacccagaagtggatccttggc atgtcttcatccgcgagtacta
ctccgtcttcgaccgtgccaacaacctggtgggtctcgctaaggccatctgatcctctagagt

SEQ ID NO: 8
~~SEQ ID XXX 6~~
ggccaggcgcgccttccatggaagaatgcggccgctaaaccatcgatggctcgagttggcgcgcca

Fig. 3